REMARKS

Claims 1-77 and 79-86 are pending.

Claims 1, 12, 36, 40, 46-47, 60 and 70-72 are amended.

This communication is in response to a non-final Office Action dated September 26, 2006. In that Office Action, the Examiner rejected claims 1, 12, 36, 40, 46-47, 60 and 70-71 under 35 U.S.C. § 112 ¶ 1 for containing subject matter not supported by the written description in the specification and for lacking enablement. In addition, the Examiner rejected claims 1-77, 79-81 and 86 under 35 U.S.C. § 102(e) as anticipated by Yamano (U.S. Patent No. 6,636,516). Claims 82-85 were rejected under 35 U.S.C. § 103(a) as anticipated by the combination of Yamano and Pekkala et al. (U.S. Patent Application Pub. No. US 2002/0172195 A1). For the reasons set forth in detail below, applicant submits that the present application, including each of the pending claims, is in condition for allowance.

Rejection for Insufficient Written Description

The M.P.E.P. § 2163 states that "to satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention." However, as noted in § 2163.02, "[t]he subject matter of the claim need not be described literally ... in order for the disclosure to satisfy the description requirement." Applicant respectfully believes that the specification meets these requirements with respect to the prior amendments.

Applicant has previously stated that support for the prior amendments can be found in the paragraphs describing Figure 7. However, the Examiner noted that these paragraphs are not sufficient for one skilled in the art to recognize the step of "wherein modification of the indication of the destination network address does not involve utilizing an address provided from outside of the destination node." Applicant believes that these

paragraphs support the amendment, when considered together with several sections not previously referenced.

Figure 7 and the associated paragraphs describe the steps by which the "Incoming Communications Translator" module processes incoming data packets. For example, paragraph 62 notes that the module "receives indications of incoming data communications and forwards those data communication to appropriate local destinations...." The same paragraph also notes that the module may perform some processing on the data, such as "replac[ing] missing or incorrect destination application-specific information with appropriate information." Therefore, this paragraph and the following paragraphs show the steps of receiving and processing incoming data transmissions, including modifying the data transmission to indicate the correct network address. However, they do not explicitly state that this information is determined without communicating with devices outside of the destination node.

Support for the missing limitation can be found in earlier sections of the specification. Figure 2C and the describing paragraphs show a virtual identifier translation table used by a VI NIC when transmitting and receiving data communications. The table matches source and destination IP addresses to transmittal and response virtual identifiers. Each entry in the table corresponds to a communication that the node may be involved in. Further, Figure 3 and the describing paragraphs, beginning with paragraph 44, show one embodiment of "a node computing device 300 suitable for executing an embodiment of a VI NIC" that works as described in the specification. Node 300 contains several executable modules, including an Incoming Communications Translator 346, which functions as shown in Figure 7. Figure 3 also shows that the virtual identifier translation table 325 is contained in the node 300. Paragraph 50 notes that the Incoming Communications Translator may use information on the VI NIC, such as the virtual identifier translation table, to "add information to a received data communication when it is missing or incorrect...." One skilled in the art would appreciate that the Incoming Communications Translator could use the information in the virtual identifier translation

table to carry out the modifications shown in Figure 7 without involving any outside modules. Applicant respectfully submits that this is sufficient to show that the specification supports the prior amendment. Therefore, applicant requests that the rejections for lack of written description be withdrawn.

Rejection for Lack of Enablement

The M.P.E.P. § 2164 states that "[d]etailed procedures for making and using the invention may not be necessary if the description of the invention itself is sufficient to permit those skilled in the art to make and use the invention." Applicant respectfully submits that the sections discussed above would be sufficient to allow one skilled in the art to make and use the invention. In particular, one skilled in the art would appreciate that it would be possible to use the information in the virtual identifier translation table shown in Figure 2C to modify the indication of the destination network address without requesting information from outside of the destination node. Applicant respectfully submits that the application provides sufficient information that one skilled in the art would be able to make and use the invention without undue experimentation. Therefore, applicant requests that the rejections for lack of enablement be withdrawn.

Rejection Under 35 U.S.C. § 102(e)

In the Office Action, claims 1-77, 79-81 and 86 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yamano.

Yamano describes a system for establishing a virtual private network over an ATM-over-Internet connection. In Yamano, if the ATM address field contains no data, the node will "formulate an address resolution packet and forward[] the packet to the public switched packet network." (Col. 2, lines 26-29) The node will then use the data in the reply packet to fill in the missing address. (Abstract, Col. 2, lines 29-31) Yamano, therefore, fails to show a system in which the destination node fills in missing address information using only local data and without requesting information from an outside device.

In contrast, the rejected independent claims describe a system which fills in the missing address information without requesting information from outside sources. In order to clarify this distinction, applicant has added the further limitation to independent claims 1, 12, 36, 40, 46-47, 60, and 70-72 that in adding the address information, the destination node "uses only information stored on the destination node". Thus, the amended claims require that missing information can only come from data found locally on the destination node.

Support for this amendment may be found in the sections discussed above in reference to the rejections under 35 U.S.C. § 112 ¶ 1. In particular, Figures 2C and 3 disclose a virtual identifier translation table that is contained in storage on the destination node. Further, Paragraph 50 notes that the destination node can use the information available in the virtual identifier translation table to "add information to a received data communication when it is missing or incorrect...."

For a claim to be rejected based on anticipation under 35 U.S.C. § 102(a), (b), and (e), M.P.E.P. § 2131 requires that: "the reference must teach every element of the claim." Yamano fails to teach or suggest the limitation "wherein adding the associated network address uses only information stored on the destination node and does not involve utilizing an address provided from outside of the network node", which is present in amended independent claims 1, 12, 36, 40, 46-47, 60, and 70-72. Therefore, a *prima facie* case of anticipation has not been established with respect to these claims. Applicant respectfully submits that the amended independent claims and the associated dependent claims are patentable over the prior art and requests that the rejections be withdrawn.

In addition, dependent claims 82-85, which were rejected under 35 U.S.C. § 103(a), depend from previously mentioned allowable claim 12 and, therefore, should also be allowed.

In view of the above discussion, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 030048041US from which the undersigned is authorized to draw.

Dated: 2/26/07

Respectfully submitted,

By _____

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